

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventors:	Bardy, et al.	§	Group Art Unit:	3766
Patent No.:	7,289,854	§	Examiner:	MULLEN, Kristen D.
Issued:	October 30, 2007	§	Confirmation No.:	2346
For:	<i>Unitary Subcutaneous Only Implantable Cardioverter- Defibrillator and Optional Pacer</i>	§	Docket No.:	CAMP0001US2 (CH-0043)
		§		
		§		
		§		

Commissioner for Patents
ATTN: Certificate of Correction Branch
PO Box 1450
Alexandria, Virginia 22313-1450

Dear Sir/Madam:

Petition Under 37 CFR 1.322 to Correct Office Mistake Pursuant to 35 USC 254

Assignee, Cameron Health, Inc., respectfully petitions, under 37 CFR 1.322(a), to correct an Office mistake of the above identified patent pursuant to 35 USC 254. A proposed Certificate of Correction is submitted concurrently with this petition.

Although Attorneys for Assignee believe that no fee is due in connection with this response, the Commissioner is hereby authorized to charge counsel's Deposit Account No. 50-3882/CAMP0001US2, for any fees required to make this submission timely and acceptable to the Office.

The Examiner's Amendment contained in the Supplemental Notice of Allowance mailed October 9, 2007 was erroneously omitted for said patent, as evidenced in the accompanying Office Communication from Examiner Mullen.

Specifically, the claim of priority should state that this patent is a divisional of US Patent Application Serial Number 09/663,606 (now US Patent Number 6,647,292), rather than US Patent Application Serial Number 09/663,607 (now US Patent Number 6,721,597).

Unitary Subcutaneous Only Implantable Cardioverter-Defibrillator and Optional Pacer

Bardy, et al.

CAMP0001US2 (CH-0043)

Petition Under 37 CFR 1.322 to Correct Office Mistake Pursuant to 35 USC 254

Page 1 of 2

Respectfully submitted,

/Ari Pramudji/ Date: October 29, 2009

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/662,612	09/15/2003	Gust H. Bardy	CAMP0001US2 (CH-0043)	2346
65134	7590	10/09/2007	EXAMINER	
ARI PRAMUDJI PRAMUDJI WENDT & TRAN, LLP 1800 BERING DRIVE, SUITE 540 HOUSTON, TX 77057			MULLEN, KRISTEN DROESCH	
			ART UNIT	PAPER NUMBER
			3766	
			MAIL DATE	DELIVERY MODE
			10/09/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

**Supplemental
Notice of Allowability**

Application No.

10/662,612

Examiner

Kristen Droesch Mullen

Applicant(s)

BARDY ET AL.

Art Unit

3766

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 6/7/07.
2. ☒ The allowed claim(s) is/are 1,40,42,44,45 and 50.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

Kristen D. Mullen
KRISTEN D. MULLEN
PRIMARY EXAMINER
TECHNOLOGY CENTER 3700

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

The application has been amended as follows:

In the Specification, line 1: "The present application is a divisional of U.S. patent application entitled "SUBCUTANEOUS ONLY IMPLANTABLE CARDIOVERTER-DEFIBRILLATOR AND OPTIONAL PACER," having Serial No. 09/663,607, filed September 18, 2000, now U.S. Patent No. 6,721,597." has been **deleted**.

In the Specification, line 1: --The present application is a divisional of U.S. patent application entitled "UNITARY SUBCUTANEOUS ONLY IMPLANTABLE CARDIOVERTER-DEFIBRILLATOR AND OPTIONAL PACER," having Serial No. 09/663,606, filed September 18, 2000, now U.S. Patent No. 6,647,292.-- has been **inserted**.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kristen Droesch Mullen whose telephone number is (571) 272-4944. The examiner can normally be reached on M-F, 10:30 am-6:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Angela Sykes can be reached on (571) 272-4955. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3766

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Kristen Drexel Mullen

kdm

KRISTEN D. MULLEN
PRIMARY EXAMINER
TECHNOLOGY CENTER 3700



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Bib Data Sheet

CONFIRMATION NO. 2346

SERIAL NUMBER 10/662,612	FILING OR 371(c) DATE 09/15/2003 RULE	CLASS 607	GROUP ART UNIT 3766	ATTORNEY DOCKET NO. CAMP0001US2 (CH-0043)
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APPLICANTS

Gust H. Bardy, Seattle, WA;
Riccardo Cappato, Ferrara, ITALY;*revised KDM*

** CONTINUING DATA *****

*09/16/03 606**6,647,292*

This application is a DIV of 09/16/03, 607 09/18/2000 PAT 6,721,597

KDM 10/2/07

** FOREIGN APPLICATIONS *****

none KDM

IF REQUIRED, FOREIGN FILING LICENSE GRANTED **

12/20/2003

** SMALL ENTITY **

Foreign Priority claimed <input type="checkbox"/> yes <input checked="" type="checkbox"/> no	STATE OR COUNTRY WA	SHEETS DRAWING 3	TOTAL CLAIMS 16	INDEPENDENT CLAIMS 11
35 USC 119 (a-d) conditions met <input type="checkbox"/> yes <input checked="" type="checkbox"/> no <input type="checkbox"/> Met after Allowance				
Verified and Acknowledged <i>Carl H. Bardy</i> Examiner's Signature	<i>RL</i> Initials			

ADDRESS

65134

TITLE

UNITARY SUBCUTANEOUS ONLY IMPLANTABLE CARDIOVERTER-DEFIBRILLATOR AND OPTIONAL PACER

FILING FEE RECEIVED 711	FEES: Authority has been given in Paper No. _____ to charge/credit DEPOSIT ACCOUNT No. _____ for following:	<input type="checkbox"/> All Fees <input type="checkbox"/> 1.16 Fees (Filing) <input type="checkbox"/> 1.17 Fees (Processing Ext. of time) <input type="checkbox"/> 1.18 Fees (Issue) <input type="checkbox"/> Other _____ <input type="checkbox"/> Credit
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